

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MATTHEW R. RUTH,

Plaintiff,

v.

PATRICK GLEBE, et al.,

Defendants.

CASE NO. C14-1388BHS

ORDER GRANTING
PLAINTIFF'S MOTION AND
ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 88), Plaintiff Matthew Ruth's ("Ruth") motion for an extension of time to file objections (Dkt. 89), and Ruth's objections to the R&R.

On June 21, 2016, Judge Christel issued the R&R recommending that the Court dismiss Ruth's complaint without prejudice for failure to comply with an order to amend his complaint. Dkt. 88. On July 6, 2016, Ruth filed a motion for an extension of time to file objections and his objections. Dkt. 89.¹

¹ The Court grants the motion for an extension of time because Defendants are not prejudiced by consideration of the objections.

1 The district judge must determine de novo any part of the magistrate judge's
2 disposition that has been properly objected to. The district judge may accept, reject, or
3 modify the recommended disposition; receive further evidence; or return the matter to the
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 In this case, Ruth asserts numerous objections, most of which are frivolous. Ruth,
6 however, does object to Judge Christel imposing a twenty-page limit on Ruth's amended
7 complaint. Dkt. 89 at 3. Ruth contends that it is impossible to fit four years of
8 constitutional violations into twenty pages. *Id.* Even if this assertion was true, Judge
9 Christel allowed Ruth to show cause why additional pages would be necessary. Dkt. 79
10 at 4. Instead of complying with the order or showing cause for additional pages, Ruth
11 simply filed a 271-page complaint. Dkt. 84. The Court finds no error in dismissing
12 Ruth's complaint without prejudice for failure to comply with the Court's order.

13 Therefore, the Court having considered the R&R, Ruth's objections, and the
14 remaining record, does hereby find and order as follows:

- 15 (1) Ruth's motion for an extension of time is **GRANTED**;
16 (2) The R&R is **ADOPTED**; and
17 (3) This action is **DISMISSED without prejudice**.

18 Dated this 16th day of August, 2016.

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21 BENJAMIN H. SETTLE
22 United States District Judge